

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHRISTOPHER M. HODGE,)
Plaintiff,)
vs.) CIVIL ACTION NO. 11-0182-CG-N
AL W. TOLBERT, et al)
Defendants. :
)

ORDER

This matter is before the Court on the Report and Recommendation of the Magistrate Judge which recommends that the action be dismissed for plaintiff's failure to prosecute and to obey the Court's orders (Doc. 11), and Plaintiff's Motion for Extension of Time to File Objection, Notice of Change of Address, Objections and Motion to Appoint Counsel (Doc. 12).

By Order dated June 13th, 2011, the Court granted plaintiff's motion to proceed without prepayment of fees, and further ordered Plaintiff to immediately notify the Court of any change in address, advising that failure to do so would result in a recommendation of dismissal of the action. The case was thereafter referred for screening pursuant to 28 U.S.C. § 1915(e)(2)(B) (Docs. 7, 9).

Thereafter, plaintiff had no contact with the court until November 29, 2011, when the Court ordered plaintiff to advise the Court, on or before December 28, 2011, of the name of the facility where he was held when he filed the action, and the person or agency who had custody of him. (Doc. 10). Further, the Court ordered that on or before December 28, 2011, plaintiff advise the court in writing if he

wanted to continue litigating the case. Id. The Order warned that failure to respond within the required time would result in a recommendation of dismissal of the action and plaintiff was further advised that he must notify the court immediately of any change in his address, or his action would be dismissed. Id.

Plaintiff failed to respond to the Court's Order, and accordingly, by Report and Recommendation dated January 5, 2012, the magistrate judge recommended that the action be dismissed without prejudice for failure to comply with the court's order and failure to prosecute the action. (Doc. 11). Plaintiff was allowed until January 26, 2012 to file an objection to the Report and Recommendation. Id.

Plaintiff filed no objection within the required time. However, on January 31, 2012, plaintiff filed a "motion for extention (sic)" in which he requested more time to file objections, provided a change of address, and then further set forth objections to the Report and Recommendation, and requested appointment of counsel. (Doc. 12) He still did not comply with the court's previous order to provide the name of the facility in which he was held at the time he instituted the action, nor the person or entity in whose custody he was held.

Because the plaintiff filed objections, the court will consider those objections as if timely filed. However, the motion for extension of time to file further objections and to appoint counsel is **DENIED**.

Therefore, after due and proper consideration of all portions of this file deemed relevant to the issue raised, and having reviewed, de novo, those portions of the Report and Recommendation to which objections were filed, the Report and

Recommendation of the Magistrate Judge entered on December 6, 2011 (Doc. 11) made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this court.

DONE and ORDERED this 14th day of February, 2012.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE